

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	CV 15-01876-RGK (MANx)	<b>Date</b>	July 1, 2015
<b>Title</b>	<i><b>ROSENDO AVILA v. HUFFY CORP., et al</b></i>		

<b>Present: The Honorable</b>	R. GARY KLAUSNER, U.S. DISTRICT JUDGE
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Sharon L. Williams (Not Present)	Not Reported	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

**Proceedings: (IN CHAMBERS) Order Remanding Action to State Court**

On March 13, 2015, Defendant Wal-Mart Stores, Inc. and Huffy Corporation (“Defendants” removed this action to federal court on the ground of diversity jurisdiction. The basis for removal was Plaintiff’s Statement of Damages. However, the nature of these damages is speculative, and Defendant did not provide any evidence to counter the speculative nature of those damages. On June 18, 2015, in the Joint Report of the Parties, the parties indicated that Plaintiff has stipulated to not seeking recovery of damages in excess of \$75,000.

Upon review and consideration of the parties’ filings, the Court finds that Defendant has not satisfied its burden of showing by a preponderance of the evidence that the amount in controversy is greater than \$75,000.

Based on the foregoing, the Court remands the action to state court for all further proceedings.

**IT IS SO ORDERED.**

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**Initials of Preparer**